



M.O.E. Policy Manual

POLICY TITLE	MINISTRY OF THE ENVIRONMENT CONSIDERATIONS FOR PROPOSED HYDROCARBON PIPELINE FACILITIES IN ONTARIO	NO 07-06-01
<p><u>Legislative Authority</u></p> <p>the Environmental Protection Act the Ontario Water Resources Act the Environmental Assessment Act</p>		
<p><u>Statement of Principles</u></p> <p>This policy identifies the interest of the Ministry of the Environment in new or expanding hydrocarbon pipeline facilities proposed in Ontario. The policy defines the specific environmental considerations that the Ministry advises be taken into account by the Ontario Energy Board and National Energy Board in giving approvals to pipeline transmission and distribution systems under their jurisdiction. The policy is also intended to guide Ministry of the Environment staff in commenting on pipeline proposals.</p> <p>The policy sets the context for all existing and new policies and guidelines related to hydrocarbon pipelines. The intent is to achieve a reasonable degree of protection for the environment by ensuring that the necessary safeguards are incorporated early in planning and then implemented during construction and operation of these facilities.</p> <p>1. <u>Policy Statement</u></p> <p>It is the policy of the Ministry of the Environment to recommend that certain environmental considerations be adequately accounted for in the planning, siting, design, construction, operation and maintenance of new, expanding or upgraded hydrocarbon pipeline facilities in Ontario.</p>		
<p><u>Point of Contact</u> Director, Approvals Branch</p>		
<p><u>Effective Date</u></p> <p>September 7, 1983</p>		

2. Objective of Policy

The objective of the policy is to minimize any potentially significant, adverse environmental effects from the construction and operation of proposed pipeline facilities. Appropriate environmental considerations should be taken into account at an early stage in their planning and then implemented.

3. Application

The policy applies in all cases where a new, expanding or upgraded hydrocarbon pipeline facility is proposed in Ontario. The policy can apply to all aspects of new or expanding pipeline transmission and distribution systems, including their planning, design, construction, operation, maintenance and removal.

This includes applying the policy to pipeline proposals and applications reviewed by the Ministry of the Environment, where the Ministry's advice is requested: primarily by the Ontario Energy Board; and/or from time-to-time by the National Energy Board; and/or where appropriate, by the pipeline companies or others.

4. Considerations Within Direct Interest of MOE

The following considerations derived from the Environmental Protection Act, the Ontario Water Resources Act and the Environmental Assessment Act are directly within the Ministry's interest and are appropriate for MOE comments and approval recommendations:

Water Quality/Quantity

- (a) surface and groundwater quality and quantity, including water in lakes, rivers, streams, wetlands and in the sub-surface, in accordance with MOE's Water Management Goals, Policies, Objectives and Implementation Procedures and the MOE Guidelines for Construction of Hydrocarbon Transmission and Distribution Pipelines Crossing Watercourses;

January 16, 1984

Erosion and
Sedimentation

- (b) erosion and sedimentation controls and other practices for managing surface run off, to prevent entry of contaminants into water bodies, including proper siting and disposal of excess fill and excavated material;

Sewage and Water
Systems

- (c) sewage treatment and water supply systems, including individual sewage system interference and approvals, individual water well interference and approvals, and water taking permits;

Waste Management

- (d) waste management, including approvals for waste disposal sites;

Soil Contamination

- (e) soil contamination, including proper containment, clean-up and disposal of contaminants;

Air Quality

- (f) air quality, air pollution, and air management, including the control of odour, dust and other contaminants during construction, operation and contingency activities;

Noise and Vibration

- (g) noise and vibration during construction and operation of facilities;

Land Use

- (h) incompatible or conflicting land uses such as pipeline proposals affecting or being affected by sensitive or potentially damaging nearby land uses;

Environmental Assessment
Act

- (i) undertakings subject to the Environmental Assessment Act, which affect or are affected by pipeline proposals, or hydrocarbon pipelines that are specifically designated under the Environmental Assessment Act;

Environmental Approvals

- (j) compliance with any conditions in an approval, license or permit issued under the Environmental Protection Act, the Ontario Water Resources Act or the Environmental Assessment Act; and

Other Considerations

- (k) any other matters, including socio-economic concerns and public participation, that specifically relate to the above areas, directly within MOE's mandate.

5. Policy Implementation

5.1 Authorization

This Policy will be implemented by the Director of Approvals Branch or by Regional Directors of the Ministry of the Environment.

5.2 MOE Staff Involvement

MOE staff activities usually will be co-ordinated through the Ministry representative on the Ontario Pipeline Co-ordination Committee of the Ontario Energy Board. MOE staff involvement includes:

Project Review

- (a) review of proposed environmental study reports and, where necessary, reviews of proposed contract drawings and specifications, work schedules and the contractor's proposed method of construction;

Monitoring

- (b) periodic inspection and surveillance of on-going pipeline construction, to ensure necessary compliance;

Public Hearings

- (c) Intervention and/or participation, as appropriate, at any Hearings before the Ontario Energy Board or National Energy Board on pipeline applications or related matters of concern to the Ministry; and

Other Activities

- (d) Any other activities, including litigation, that may be necessary to ensure compliance with the intent of any approval conditions or the Ministry's environmental objectives.

5.3 Application of
Other MOE Policies

Any related MOE policies, guidelines and studies may be used to guide the Ontario Energy Board, National Energy Board and the pipeline industry throughout the process of approving and implementing pipeline facilities in Ontario. In their absence, staff will use best professional judgement and available information.

5.4 Ontario and
National Energy
Board Approvals

The Ontario Energy Board may be requested to impose conditions, where appropriate, in the Board Order, in the event of an approval of a pipeline application, to ensure that Ministry of the Environment's concerns are met. In those cases where approvals are sought from the National Energy Board and where the proposal is not directly within Provincial jurisdiction, the National Energy Board may be asked to impose conditions in the Board Order, where appropriate, in the event of an approval of a pipeline application, to ensure that Ministry concerns are met.